

### **REMARKS/ARGUMENTS**

By this Amendment, claim 110 is canceled, and claims 29, 34, 39, 44, 47, 50, 53, 55, 57, 59, 60, 63, 64, 67, 68, 71, 73, 74, 76, 77, 79, 80, 82, 83, 85, 86, 88, 89, 96, and 103 are amended. Claims 29-109 are pending.

Citations to the Specification are directed to U.S. Patent Application Publication No. 2007/0111980 (Bandi Parthasaradhi Reddy et al.).

Support for the amended claims can be found throughout the Specification as filed, and specifically: support for the updated chemical structures can be found in ¶[0008] and ¶[0025].

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

#### **Rejections under 35 USC 112 second paragraph**

Claims 29-35, 37-40, 42-45, 47-48, 50-51, 53-58, 60-62, 64-66, 68-72, 74-75, 77-78, 80-81, 83-84, 86-87 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Examiner argues that the term "substantially free" is indefinite, allegedly because terms of degree, such as "substantial" are indefinite when the specification lacks "explicit guidelines" to distinguish from things which are not so, Ex parti Oetiker, 23 USPQ2d 1651, 1655 (1990), and Seattle Box v. Industrial Crating, 221 USPQ 568, 574.

The Examiner argues that the (OCO)<sub>n</sub> structural piece is unclear, allegedly because it is not clear whether the O bound to the Si on the left or the N on the right. The Examiner argues that US 4868294 does not clarify because that patent does not have the ambiguous "(OCO)" wording. No new matter has been added, because the Specification discloses that U.S. Pat. No. 4,868,294, sets forth that the key intermediates substantially free of Δ<sup>2</sup> Isomer can be prepared (see ¶[0008]). U.S. Pat. No. 4,868,294 (cited on the IDS submitted June 19, 2006) discloses the carboxyl structure as shown in the instant claims (e.g., see U.S. Pat. No. 4,868,294, at column 10).

Without acquiescing to the propriety of the Examiner's rejection, and solely in an effort to advance prosecution, the claims have been amended to show the carboxyl group. Here, one of

ordinary skill in the art would understand what is claimed, given the teachings of the Specification, the claim as written, and the knowledge in the art. It is submitted that the claims are definite. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 29-110 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Examiner argues that the phrase, "less than about 10%" (or other numbers) is inherently unclear. Without acquiescing to the propriety of the Examiner's rejections, and solely in an effort to advance prosecution, the claims have been amended to recite "10% or less". Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 60-70 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Without acquiescing to the propriety of the Examiner's rejections, and solely in an effort to advance prosecution, the claims have been amended to clarify that section c) is directed to a reaction with Z or HZ or Z+. With regard to lower vs. upper case Z it is clear to one of skill in the art what the claim is referring to.

Reconsideration and withdrawal of the rejection is respectfully requested.

#### **Claim Objections**

Claim 110 is objected to as an exact duplicate of claim 46. Claim 110 has been canceled herein. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

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Application No. 10/565,086  
Amendment Dated 3/22/2010  
Reply to Office Action of 09/21/2010

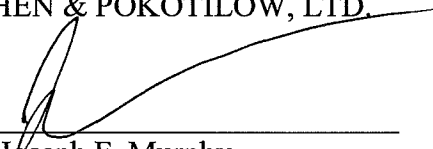
For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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